



Attorney Docket 058951-0167

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Caius ROMMENS et al.

Title: Precise Breeding

Appl. No.: 10/607,538

Filing Date: 06/27/2003

Examiner: Unassigned

Art Unit: 1638

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to applicants in order to comply with applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits. Therefore, no fee is believed to be due. However, if an Office Action has issued, in compliance with 37 C.F.R. § 1.97(c)

prior to the mailing date of either a final action or a notice of allowance, a statement or fee is required. The statement under 37 CFR § 1.97(e)(1) is provided below.

**STATEMENT**

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

**RELEVANCE OF EACH DOCUMENT**

Documents B1-B17 were cited in a search report in a counterpart PCT application. All documents are in English. A copy of the PCT Search Report is also enclosed.

Applicants respectfully request that the listed documents be considered by the examiner and formally be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.

Respectfully submitted,

Date

September 7, 2005

FOLEY &amp; LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5407

Facsimile: (202) 672-5399

By

Richard C. Peet

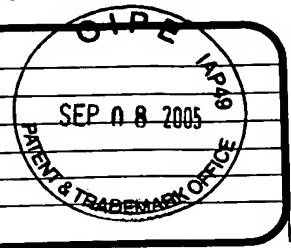
Richard C. Peet

Registration No. 35,792

Attorney for Applicants

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> Date Submitted: September 8, 2005 (use as many sheets as necessary)				<b>Complete if Known</b> Application Number: 10/607,538 Filing Date: 06/27/2003 First Named Inventor: Caius ROMMENS Group Art Unit: 1638 Examiner Name: Unassigned Attorney Docket Number: 058951-0167	
Sheet	1	of	2		



## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	B1	6,255,561	B1	KOSSMAN et al.	07/03/2001	
	B2	5,366,887	A	SLIGHTOM et al.	11/22/1994	
	B3	6,096,865	A	MICHAELS	08/01/2000	
	B4	5,856,177	A	GRULA et al.	01/05/1999	
	B5	6,066,781	A	SUTLIFF et al.	05/23/2000	
	B6	5,981,840	A	ZHAO et al.	11/09/1999	

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	B7	WO	99/60106	A2	UNIVERSITE DU QUEBEC	11/25/1999		
	B8	WO	94/03607	A1	KEYGENE N.V.	02/17/1994		

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	B9	KUIPERS et al., "Factors affecting the inhibition by antisense RNA of granule-bound starch synthase gene expression in potato"; <u>Molecular and General Genetics</u> ; March 1995; vol. 246, no. 6, pp 745-755	
	B10	OTTEN et al., "A T-DNA from the Agrobacterium tumefaciens Limited-Host-Range Strain AB2/73 Contains a Single Oncogene"; <u>Molecular Plant-Microbe Interactions</u> ; 1998; vol. 11, no. 5; pp 335-342	
	B11	STDNAGBSS, X83220, DAI et al., GBSS gene, Jan. 11, 1995	
	B12	VAN DER LEIJ et al., "Sequence of the structural gene for granule-bound starch synthase of potato (Solanum tuberosum L.) and evidence for a single point deletion in the amf allele"; <u>Molecular and General Genetics</u> ; 1991; vol. 228, no. 1-2; pp 240-248	
	B13	MAGANJA et al., "Isolation and sequence analysis of the genomic DNA fragment encoding an aspartic proteinase inhibitor homologue from potato (Solanum tuberosum L.)"; <u>Plant Molecular Biology</u> ; 1992; vol. 20, no. 2; pp 311-313	
	B14	GLEAVE et al., "Selectable marker-free transgenic plants without sexual crossing; transient expression of cre recombinase and use of a conditional lethal dominant gene"; <u>Plant Molecular Biology</u> ; May 1999; vol. 40, no. 2; pp 223-235	
	B15	SUGITA et al., "A transformation vector for the production of marker-free transgenic plants containing a single copy transgene at high frequency"; <u>The Plant Journal</u> ; June 2000; vol. 22, no. 5; pp 461-469	
	B16	LORBERTH et al., "Inhibition of a starch-granule-bound protein leads to modified starch and repression of cold sweetening"; <u>Nature Biotechnology</u> ; May 1998; vol. 16; pp 473-477	

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

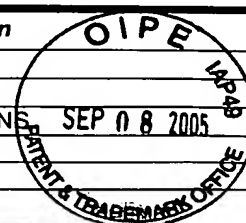
<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

002.1455961.1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  Date Submitted: September 8, 2005 (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/607,538
				Filing Date	06/27/2003
				First Named Inventor	Caius ROMMENS
				Group Art Unit	1638
				Examiner Name	Unassigned
				Attorney Docket Number	058951-0167
Sheet	2	of	2		



### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	B17	MYSORE et al.; "Role of the Agrobacterium tumefaciens VirD2 Protein in T-DNA Transfer and Integration"; <u>Molecular Plant-Microbe Interactions</u> ; 1998; vol. 11, no. 7; pp 668-683	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.